

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
AUGUST 13, 2009**

PRESENT: Steven R. Conway DC, Wendy M. Henrichs DC, James P. Koshick DC, Ma, Steven J. Silverman DC, Mania Moore

EXCUSED: Kathleen Schneider

STAFF: Yolanda McGowan, Bureau Director; Michael Berndt, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff

GUESTS: Russ Leonard; Paul Gabriel, Wisconsin Technical College District Boards; Moraine Park Technical College; Mona Fry, Wisconsin Technical College System; and Wendy Varish, WCA President

CALL TO ORDER

Chair Wendy Henrichs called the meeting to order at 8:34 a.m. A quorum of 5 members was present.

ADOPTION OF AGENDA

MOTION: Steven Conway moved, seconded by Mania Moore, to approve the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 28, 2009

MOTION: Mania Moore moved, seconded by Steven Silverman, to approve the Minutes of May 28, 2009 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Yolanda McGowan introduced Michelle Solem to the Board as the new Bureau Assistant. She asked them to complete the per diem forms, travel vouchers and emergency contact forms and submit them to Michelle. She then explained the e-credential program. A copy of the information that is found on the web-site was included in the red folder. She also introduced Michael Berndt as Legal Counsel for today and also announced that Peggy Wichmann will be retiring at year end.

Secretary Jackson shared the importance of taking time in evaluating and preparing to move forward due to the newly enacted laws relating to Chiropractic Services.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

JUDITH A. YAGER, D.C. (DOE CASE # 05 CHI 003)

Attorney Jeanette Lytle presented a Proposed Stipulation, Final Decision and Order in the matter of Judith A. Yager, DC. This will be deliberated in closed session.

JOY E. HIMSEL, D.C. (DOE CASE # 06 CHI 074)

Attorney Sandra Nowak presented a Proposed Stipulation, Final Decision and Order in the matter of Joy E. Himself, DC. This will be deliberated in closed session.

JOHN T. RIEGLEMAN, D.C. (DOE CASE #09 CHI 016)

Attorney Sandra Nowak presented a Proposed Stipulation, Final Decision and Order in the matter of John R. Riegleman, DC. This will be deliberated in closed session.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

None.

PRECEPTOR APPROVALS OR ANY RECEIVED AFTER PRINTING OF AGENDA

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

<u>School</u>	<u>Chiropractor</u>	<u>Lic Granted</u>
Life University	Dr. Peter Heffernan	11/20/75
Northwestern	Dr. Barbara Bradley	12/14/89

MOTION: James Koshick moved, seconded by Steven Conway, to approve the preceptors as presented. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULES

Final Adoption of CR08-093

MOTION: James Koshick moved, seconded by Mania Moore, to adopt rule CR 09-093. Motion carried unanimously.

Summary of Statutory Changes Arising from Joint Finance Committee (JFC)
Motion #189

Michael Berndt asked the Board to review the memo and statutory language related to the changes to the Chiropractic practice that was included in the agenda on starting 36. The issues that need to be addressed will be address in the order set forth by the change in the statute.

Presentation Regarding Chiropractic State Exam Beginning Jan 1, 2001 (26:00)

Russ Leonard, Executive Director - Wisconsin Chiropractic Association addressed the Board.

He informed the Board that Chiropractic care is not included in any of the discussion related to health care reform. It is their goal to provide better quality, ethical care.

He told the Board that the quality of chiropractic care has decreased since the Board chose to discontinue the use of a state exam for licensure. He explained to the Board that the quality of the preceptors that the Board has approved has dramatically decreased. He indicated that the licensee will cover the cost of the exam that fairly reflects the patient expectations and that the cost of the exam would be spread over a number of years.

He then discussed the qualifications of chiropractic assistants. This is a title that does not have an official definition. Anyone that works with a chiropractor can, at this time, call themselves a chiropractor. There are a group of people that have trained themselves and call themselves Chiropractic Technicians. There is not a national standard for a chiropractic technician or assistant. He indicated that there are specific duties that can be delegated but that, since the schools train in much more than that, the doctors are going a step further and delegation duties under the doctors license that are not part of the duties that can be delegated to anyone other than another licensed chiropractor.

Additionally, there are competitive challenges for chiropractic providers. The education requirements for those assisting chiropractors are much less than those assisting physical therapists, nurses or doctors.

If someone has been officially trained as a Chiropractic Technician they will be titled as such and will have other educational, 6 hours of CE and other requirements for licensure. He asked that they waive the education requirement for the time period of July 1, 2010 through December 16, 2010 (the start of the new licensure period).

Yolanda suggested that the process that the Wisconsin Chiropractic Association should have included the Board prior to approaching the legislature. Russ Leonard agreed that they could have done things differently but chose not to.

Dr. Silverman pointed out that the ACA was missing as a program sponsor at 446.028 of the statute but Mike Berndt reminded the Board that the ACA is included in the administrative rules for the Chiropractic Examining Board so they could still be used.

Russ Leonard explained the update to the Chiropractic Radiology Technician credential. Steven Silverman indicated concern with the CE hours being the same for all forms of assistants regardless of the scope of license that they are practicing under. Russ Leonard then indicated that the CE courses that they are planning are more advanced training than the CRTs will be required to take prior to licensure.

He then explained that there is an abuse of waiver of insurance copay due to hardship. The patient would be required to give the clinic a statement of hardship so that, if the Board would ever want to review, the documentation would be available. The hardship must be legitimate but does not require proof by way of tax returns or pay stubs or the like.

The statute now includes a provision whereby the Chiropractor has a duty to refer a patient to a physician if the service needed would be better handled by a different health care provider.

Secretary Jackson indicated that the Role of the Department and the Role of the Board is very different from the role of the association and that, within the context of the law, the department may be advising the Board toward missions that are not the same mission of the association.

PUBLIC COMMENTS

- Gail Hittrick, President, Moraine Park Technical College (MPTC). MPTC supports the concept of an exam for Chiropractic Technicians. They want to make sure that the requirements are consistent with what is happening nationally. She distributed literature from the associate degree program offered at MPTC.
- Paul Gabriel told the Board that the titles and associated responsibilities need to be consistent across the boarders. He spoke with Federation of Chiropractic Examining Boards. He understood that the Federation would like this Board to become part of the national debate that would ensure that the titles of Chiropractic Assistant and Chiropractic Technician have the same meaning across the nation. He expressed his concern related to a migratory standard. He asked the Board to be mindful of the differences between core educational competencies and professional development. He reminded the Board that they are required to set an education standard for Chiropractic Technicians and it is in that respect that he would ask the Board to become part of the national discussion.
- Chair Henrichs informed all in attendance that the Board is only preparing an exam for Chiropractors not the assistants or technicians.

PRACTICE QUESTIONS

Questions Regarding Chiropractic Technician and Chiropractic Radiological Technician Requirements beginning July 1, 2010

Jill Remy (Office of Education and Examination). She explained the pre-certification education. This process ensures that only qualified persons receive credentials. The process begins with educational facilities submitting courses for approval to either the US Dept. of Education or the Wisconsin Educational Approval board. Jill was hoping to have a discussion of scope of precertification along with Guidance from the Board to continue research. Ms. Remy asked that the precertification be broad in scope. She asked the chair to appoint two (2) Board liaisons for this process.

Discussion Regarding Chiropractic State Exam beginning January 1, 2010

Gail Pizziazio shared a PowerPoint presentation with the Board. This presentation outlined the process for the examination.

TRAVEL

None.

MISCELLANEOUS CORRESPONDENCE/ INFORMATION AND PHONE INQUIRIES

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by James Koshick, to adjourn to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.).
Roll Call Vote: Steven Conway – yes; Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Steven Silverman – yes.
Motion carried unanimously.

Open session recessed at 11:09 a.m.

RECONVENE TO OPEN SESSION

MOTION: James Koshick moved, seconded by Steven Conway, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:27 p.m.

DISCUSSION REGARDING DEVELOPMENT OF PRACTICAL EXAM

The Board discussed how this test will differ from Part IV.

The Board discussed precertification of

Steve Silverman left the meeting at 1:15 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MONITORING

**DAVID HAGEN, DC
REQUEST FOR FULL LICENSURE**

MOTION: James Koshick moved, seconded by Steven Silverman, to deny the request for full licensure to David Hagen, D.C. Motion carried. Steven Conway abstained.

(Steven Conway left the room and abstained from deliberation of the matter concerning David Hagen, D.C.)

**JOHN ZASTROW, DC
REQUEST FOR FULL LICENSURE**

MOTION: Mania Moore moved, seconded by James Koshick, to deny the request for full licensure to John Zastrow, D.C. Motion carried unanimously.

CASE CLOSINGS

03 CHI 052 AND 04 CHI 061

MOTION: Steven Silverman moved, seconded by Mania Moore, to close case 03 CHI 052 and 04 CHI 061 for prosecutorial discretion (P3) with a letter. Motion failed unanimously.

08 CHI 066

MOTION: Steven Conway moved, seconded by James Koshick, to close case 08 CHI 066 for compliance gained. Motion carried unanimously.

08 CHI 063

MOTION: Steven Conway moved, seconded by Mania Moore, to close case 08 CHI 063 for insufficient evidence. Motion carried unanimously.

07 CHI 039

MOTION: Mania Moore moved, seconded by James Koshick, to close case 07 CHI 039 for compliance gained. Motion carried unanimously.

PROPOSED STIPULATIONS

JUDITH A. YAGER, D.C.

MOTION: James Koshick moved, seconded by Steven Silverman, to adopt the Findings of Fact, Conclusions of Law, Proposed Stipulation, Final Decision and Order in the matter of Judith A. Yager, D.C. Motion carried unanimously.

JOY E. HIMSEL, D.C.

MOTION: Steven Conway moved, seconded by Silverman, to adopt the Findings of Fact, Conclusions of Law, Proposed Stipulation, Final Decision and Order in the matter of Joy E. Himself, D.C. Motion carried unanimously.

JOHN T. RIEGLEMAN, D.C.

MOTION: Steven Silverman moved, seconded by James Koshick, to reject the Findings of Fact, Conclusions of Law, Proposed Stipulation, Final Decision and Order in the matter of John T. Riegleman, D.C. Motion carried. Abstained: Steven Conway, Mania Moore

Include letter to insurance providers including medicare to medicaid in future stipulations of this sort.

(Steven Conway left the room and abstained from the deliberation of the matter concerning John T. Riegleman, D.C.)

DISCIPLINARY PROCEEDINGS

KEVIN SERVI, D.C.

MOTION: Steven Conway moved, seconded by Steven Silverman, to adopt the Final Decision and Order in the matter of Kevin Servi, D.C. (LS0710123CHI). Motion carried. Abstain: Steven Conway.

Deliberation of Proposed Stipulations that May be Signed after Mailing of the Agenda

None.

Deliberation of Proposed Administrative Warnings Received after Mailing of Agenda

None.

Deliberation of Proposed Final Decisions & Orders that May be Signed after Mailing Of the Agenda.

None.

Deliberation of Order Fixing Costs Received After the Mailing of the Agenda

None.

Deliberation of Petitions for Re-hearings Received After the Mailing of the Agenda

None.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

None.

**REVIEW OF APPLICATIONS RECEIVED AFTER MAILING OF THE
AGENDA**

None.

DOE SIGNATURE COLLECTION

OTHER BOARD BUSINESS

ADJOURNMENT

MOTION: James Koshick moved, seconded by Steven Conway, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:38 p.m.

Chiropractic Examining Board
August 13, 2009 Minutes